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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

LAC V 18 03167-SVW-FFMx

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Pro Se

UNITES STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

TYESHA JACKSON WISE,

Plaintiff,

vs.

BMW FINANCIAL SERVICES NA, LLC,

Defendant

Case No.:

COMPLAINT AND DEMAND FOR  
JURY TRIAL

(UNLAWFUL DEBT COLLECTION  
PRACTICES)

**VERIFIED COMPLAINT**

TYESHA JACKSON WISE ("Plaintiff"), alleges the following against BMW  
FINANCIAL SERVICES NA, LLC, ("Defendant"):

**INTRODUCTION**

1. Count I of the Plaintiffs' Complaint is based on Rosenthal Fair Debt Collection Practices Act, *Cal Civ. Code §1788 et seq.* (RFDCPA).
2. Count II of the Plaintiffs' Complaint is based on the Telephone Consumer Protection Act, *47 U.S.C. 227 et seq.* (TCPA).

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court

-1-

VERIFIED COMPLAINT

**ORIGINAL**

1 without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court  
2 supplemental jurisdiction over the state claims contained therein. Jurisdiction of this  
3 court arises pursuant to *28 U.S.C. § 1331*.

- 4
- 5 4. Defendant conducts business in the state of California, and therefore, personal  
6 jurisdiction is established.
- 7 5. Venue is proper pursuant to *28 U.S.C. 1391 (b)(2)*.

8 **PARTIES**

- 9
- 10 6. Plaintiff is a natural person residing in Los Angeles, Los Angeles County, California.
- 11 7. Defendant is a debt collector as that term is defined by *15 U.S.C.1692a(6)* and *Cal.*  
12 *Civ. Code §1788.2(c)*.
- 13 8. Defendant is a company located in Woodcliff Lake, New Jersey.
- 14 9. Defendant acted through its agents, employees, officers, members, directors, heirs,  
15 successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
16 insurers.

17

18 **FACTUAL ALLEGATIONS**

- 19 10. Between January 2017 and April 2018, Defendant began placing telephone calls to  
20 Plaintiff’s cell phone.
- 21 11. Upon information and belief, Defendant is placing calls to Plaintiff’s cell phone in an  
22 attempt to collect a debt allegedly owed by Tyesha Jackson Wise (“Plaintiff”).
- 23 12. On March 15, 2017, Defendant called Plaintiff’s cellular telephone three times, using  
24 artificial and/or prerecorded voice technology to coerce payment of alleged debt, with  
25 the intent to annoy, abuse or harass Plaintiff. Plaintiff asked Defendant to stop calling  
26

1 and remove her telephone number. Plaintiff asked BMW FINANCIAL SERVICES  
2 NA, LLC representative, Sauna Hudson, to stop calling and advised her of the TCPA  
3 and RFDCPA violations. Plaintiff faxed a letter to Defendant again informing  
4 Defendant to stop calling Plaintiff's cell phone in attempts to collect a consumer debt.  
5

6 13. Despite the aforementioned notice, Defendant continued to place telephone calls,  
7 sometimes as early as 6:33a.m., using an automated dialer, to Plaintiff regarding an  
8 alleged debt.  
9

10 **COUNT I**  
11 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**  
12 **PRACTICES ACT**

13 14. Defendant violated the RFDCPA based on the following:

- 14 a. Violation of §1788.11(d) of the RFDCPA by causing Plaintiffs' telephone  
15 to ring repeatedly and continuously so as to annoy and harass Plaintiff.  
16 b. Violation of §1788.11(e) of the RFDCPA by placing collection calls to  
17 Plaintiff with such frequency that was unreasonable and constituted  
18 harassment.  
19 c. Violation of the §1788.17 of the RFDCPA by continuously failing to  
20 comply with the statutory regulations contained with the FDCPA, 15  
21 U.S.C. § 1692 et seq.  
22

23 WHEREFORE, Plaintiff TYESHA JACKSON WISE respectfully request  
24 judgment be entered against Defendant BMW FINANCIAL SERVICES NA, LLC, for the  
25 following:  
26

1 15. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection  
2 Practices Act, *Cal. Civ. Code §1788.30(b)*,

3 16. Costs pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code*  
4 *§1788.30(c)*, and  
5

6 17. Any other relief that this Honorable Court deems appropriate.

7 **COUNT II**  
8 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

9 18. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint  
10 as the allegations in Count II of Plaintiff's Complaint.

11 19. Defendant initiated at least sixty (60) telephone calls to Plaintiff's telephone line, in  
12 which Defendant used, controlled and or operated "automatic telephone dialing  
13 systems" as defined by § 227(a)(1) of the TCPA.  
14

15 20. Defendant initiated at least fifty five (55) telephone calls to Plaintiff's cellular  
16 telephone, after consent had been revoked, in violation of §227(b)(1)(A)(iii).

17 WHEREFORE, Plaintiff TYESHA JACKSON WISE respectfully request  
18 judgment be entered  
19

20 against Defendant BMW FINANCIAL SERVICES NA, LLC for the following:

21 21. Statutory damages of \$84,000.00 (\$1500 per call), pursuant to the Telephone  
22 Consumer Protection Act, *47 U.S.C. 227b(3)(B)*.

23 22. Costs pursuant to the Telephone Consumer Protection Act, *47 U.S.C. 227b(3)(B)*.


24 23. Any other relief that this Honorable Court deems appropriate.  
25

26 **DEMAND FOR JURY TRIAL**

1 PLEASE TAKE NOTICE that Plaintiff TYESHA JACKSON WISE, demands a jury trial in this  
2 case.  
3  
4  
5  
6  
7  
8  
9  
10  
11

12 RESPECTFULLY SUBMITTED.

13 DATED: April 16, 2018  
14

15 By:   
16 TYESHA JACKSON WISE  
17 PRO SE  
18 4001 DON TOMASO DRIVE, APT. 2  
19 LOS ANGELES, CA 90008  
20 T: (323) 306-4965  
21 Email: [Tjacksonwise@icloud.com](mailto:Tjacksonwise@icloud.com)  
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28

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF CALIFORNIA

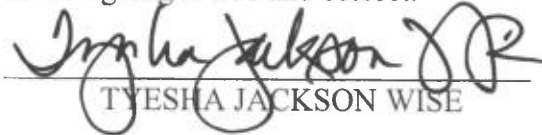
Plaintiff TYESHA JACKSON WISE states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have prepared the above entitled civil Complaint and I believe that all of the facts contained in it are true, to the best of my knowledge.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, TYESHA JACKSON WISE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: \_\_\_\_\_

4/16/18

  
TYESHA JACKSON WISE